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DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SEA-TROSY AND RELATED METHODS, the specification of which

_____ is attached hereto as Attorney Docket No. _____.

X was filed on December 19, 2001, as Application Serial No. 10/032,140 (Attorney Docket No. P-TB 4624)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It

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establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|--------------------|---------------|
| 60/258,621 | December 21, 2000 | Abandoned |
| 60/263,475 | January 22, 2001 | Abandoned |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Daniel S. Sem

Inventor's signature:

Daniel S. Sem

Date:

2-21-02

Residence:

12501 Dormouse Road
San Diego, California 92129, USA

Citizenship:

USA

Mailing Address:

12501 Dormouse Road
San Diego, California 92129, USA

Full name of second inventor: Maurizio Pellecchia

Inventor's signature:

Maurizio Pellecchia

Date:

2-25-02

Residence:

1505 Robinson Avenue
San Diego, California 92103, USA

Citizenship:

Italy

Mailing Address:

1505 Robinson Avenue
San Diego, California 92103, USA

10032140 034702



PATENT

Our Docket: P-TB 4624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Sem and Pellecchia)
Serial No.: 10/032,140)
Filed: December 19, 2001)
For: SEA-TROSY AND RELATED)
METHODS)

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Commissioner for Patents
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business

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entities may not be more than 49%. 13 C.F.R.
§ 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B),(D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C),(D).

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Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).


I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

2-21-02

Date



Name: Daniel S. Sem

Title: Vice President,
Biophysics

TRIAD THERAPEUTICS, INC.
9381 Judicial Drive
San Diego, California 92121, USA




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An executed Power of Attorney for
Patent Application by Assignee:

Attorney Docket No.: P-TB 4624
Serial No.: 10/032,140

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Attention: Box Missing Parts, Commissioner
for Patents, Washington, D.C. 20231, on May 8, 2002.

By


Calvin A. Fan, Reg. No.38,444

May 8, 2002
Date of Signature

10032140-051702



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POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee TRIAD THERAPEUTICS, INC., is the owner of the entire right, title and interest of U.S. patent application Ser. No. 10/032,140, filed on December 19, 2001, as attorney docket number P-TB 4624, and entitled SEA-TROSY AND RELATED METHODS, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; and KIMBERLY J. PRIOR, Registration No. 41,483.

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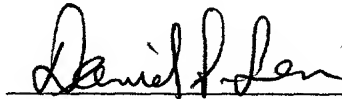
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Please direct all telephone calls to Cathryn Campbell
at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601

The undersigned is authorized to sign on behalf of the
Assignee.

Signature:



Name (typed):

Daniel S. Sem

Title:

Vice President, Biophysics

Assignee:

TRIAD THERAPEUTICS, INC.

Date:


2-21-02



An executed Statement Under CFR
3.73(b) with copy of executed
Assignment

Attorney Docket No.: P-TB 4624
Serial No.: 10/032,140

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the United States Postal Service as first class mail in an
envelope addressed to: Attention: Box Missing Parts, Commissioner
for Patents, Washington, D.C. 20231, on May 8, 2002.

By 
Calvin A. Fan, Reg. No. 38,444
May 8, 2002
Date of Signature

10032140, 051702



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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: SEA-TROSY AND RELATED METHODS
Application Ser. No.: 10/032,140
Filed: December 19, 2001
Inventor(s): Sem and Pellecchia
Attorney Docket No.: P-TB 4624

TRIAD THERAPEUTICS, INC., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 2-21-02

Signature: *Daniel S. Sem*

Name: Daniel S. Sem

Title: Vice President,
Biophysics

10032140 051703

JOINT

ASSIGNMENT

This Assignment is made by Daniel S. Sem, of San Diego, California, USA , and Maurizio Pellecchia, of San Diego, California, USA, Assignors, to TRIAD THERAPEUTICS, INC., Assignee, having a place of business at 9381 Judicial Drive, San Diego, California 92121, USA.

WHEREAS, Assignors have invented a new and useful SEA-TROSY AND RELATED METHODS for which an application for United States Letters Patent was filed on December 19, 2001, in the United States Patent and Trademark Office, bearing Serial No. 10/032,140 and identified as Attorney Docket No: P-TB 4624;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections

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120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its

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successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: Daniel S. Sem

Daniel S. Sem 2-25-02
Signature Date

STATE OF California)
COUNTY OF San Diego)

On February 25, 2002, before me, Cathleen Ann Colacino personally appeared Daniel S. Sem, personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ☒ are subscribed to the within instrument and acknowledged to me that ☒ she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Cathleen Ann Colacino
(Signature of Notary)



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Assignor: Maurizio Pellecchia

Maurizio Pellecchia 2-25-02
Signature Date

STATE OF California)
COUNTY OF San Diego)

On February 25, 2002, before me, Cathleen Ann Colacino
personally appeared Maurizio Pellecchia,
personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is are
subscribed to the within instrument and acknowledged to me that
he she/they executed the same in his her/their authorized
capacity(ies), and that by his her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Cathleen Ann Colacino
(Signature of Notary)





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Eight Sheets of Drawings

Attorney Docket No.: P-TB 4624
Serial No.: 10/032,140

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By 
Calvin A. Fan, Reg. No.38,444

May 8, 2002
Date of Signature

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An executed Small Entity Statement

Attorney Docket No.: P-TB 4624

Serial No.: 10/032,140

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By 
Calvin A. Fan, Reg. No. 38,444

May 8, 2002
Date of Signature

10032140.051702



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A copy of the Notice to File
Missing Parts

Attorney Docket No.: P-TB 4624
Serial No.: 10/032,140

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By

CAF
Calvin A. Fan, Reg. No. 38,444

May 8, 2002

Date of Signature

2002110 051702